

Attachment B

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE REGARDING DOWNTOWN SIGNS AND OTHER GENERAL SIGN STANDARDS (TC1200003)

WHEREAS, the Durham City Council wishes to amend certain provisions in the Unified Development Ordinance regarding signs; and

WHEREAS, it is the objective of the Durham City Council to have the UDO promote regulatory efficiency and consistency and the health, safety, and general welfare of the community;

NOW, THEREFORE, be it ordained that Article 11, Sign Standards, and Article 16, Definitions, of the Unified Development Ordinance are amended to make the following changes set forth in the strikethroughs and underlining below:

PART 1

[Make technical revisions and clarifications to general sign requirements]

Sec. 11.1 General

[Paragraphs within this section, but not listed, remain unchanged]

Sec. 11.2 General Requirements for Signs

[Paragraphs within this section, but not listed, remain unchanged]

Paragraph 11.2.2B Aggregate Sign Area

1. The maximum allowable aggregate sign area of all signs in a project that may be allocated among all sign types allowed or permitted on the site shall be as follows:
 - a. Buildings within the DD District and Compact Neighborhood Tiers shall be permitted a sign area equal to 25% of the wall area below 26 feet in height plus 10% of the wall area above 26 feet in height, except where this Ordinance allows signs in the DD District with no maximum size.

Paragraph 11.2.6 Placement of Signs

- A. Signs shall be located so as not to block windows, doors, or other means of ingress and egress.
- B. Unless otherwise allowed in this Ordinance, no commercial messages shall be allowed on construction fencing.

Paragraph 11.2.7 Changeable Copy on On-Premise Signs

Except as authorized under paragraph 11.3.1B, Exception for Downtown Tier, changeable copy shall be allowed only on on-premise signs that are: in nonresidential districts, associated with nonresidential uses in the PDR District, or associated with places of worship and institutional uses in any district, subject to the following:

- A. [Text remains unchanged]

- B. The displayed copy may not be changed more than eight times in one day, except for time and temperature displays.
- C. Displayed copy shall not be animated, blinking, chasing, flashing, or have other moving effects. This provision shall not restrict the copy from changing from one message to another.

Sec. 11.3 Prohibited Signs

[Paragraphs within this section, but not listed, remain unchanged]

Paragraph 11.3.1 Animated or Motion signs

Signs with animated, blinking, chasing, flashing, or moving effects; however, this provision shall not prohibit signs with an alternating display of time or temperature and signs with changeable copy pursuant to paragraph 11.2.7, Changeable Copy on On-Premise Signs.

A. General Prohibition

In all tiers other than the Downtown Tier, signs with animated, blinking, chasing, flashing, or moving effects (including but not limited to sign faces that periodically change to show different images or messages) are prohibited, with the exception of signs that alternate the display of time and temperature.

Paragraph 11.3.3 Windblown or Inflated Signs

Fluttering, spinning, windblown or inflated devices including pennants, propeller discs, flags or banners which do not conform with the requirements of this Ordinance unless associated with a temporary use in the Downtown Tier authorized under Sec. 3.12, Temporary Use Permit, and Sec. 5.5, Temporary Uses.

Paragraph 11.3.4 Portable Signs

Any sign not permanently attached to the ground or other permanent structure, including but not limited to signs:

- C. Menu and sandwich board signs. This provision shall not apply to approved moveable sidewalk signs as set forth in paragraph 11.5.2, Moveable Signs on Sidewalk;

Paragraph 11.3.9 Signs Located in the Public Right-of-Way

Except as allowed in Sec. 11.4, Signs Allowed in All Districts without a Permit, and those signs expressly allowed in rights-of-way in Sec. 11.5, Signs Allowed in Right-of-Way, all signs, including supports, frames, and embellishments, that are located within a public right of way or attached, affixed, or painted on any utility pole, light standard, utility box or pedestal, tree, rock, or other natural object located within the public right of way or on public property, except as expressly permitted by the City Public Works Director, or designee; County General Services Director, or designee; or NCDOT, as applicable.

PART 2

[Establish hierarchy and revise text for signs allowed without a permit]

Sec. 11.4 Signs Allowed in All Districts without a Permit

[Paragraphs, pictures and illustrations, and portions of the table within this section, but not listed, remain unchanged]

1. Banner Signs

Standards

- (a) Each banner shall be at least six square feet in area but no more than 36 square feet in area, and all banners on the same lot shall be consistent in terms of colors and materials used.
- (e) Banners shall display information that is solely decorative or noncommercial, and can include information that identifies historic districts or historic landmarks, and shall not be included in the computation of total sign area on a property. See Sec. 7.7, Flagpoles and Flags, for regulation of flags and flagpoles.

2. Construction Signs

Standards

- (a) In single-family residential districts on projects not involving multiple lots, such signs shall not exceed six square feet in area and four feet in height and are limited to one per lot.
- (b) In all other circumstances, such signs shall not exceed 32 square feet in area and eight feet in height, except in the DD District where such signs shall not exceed:
 - (1) 10% of the building facade area along the street frontage location or 120 square feet in area, whichever is less; and
 - (2) Eight feet in height.
- (c) The sign shall be removed prior to the issuance of a Certificate of Compliance.
- (d) Construction signs in accordance with this section are permitted at a maximum rate of one sign per 50 continuous linear feet of construction fence.
- (e) Where there is no construction fencing, the number of signs allowed shall be one per street frontage.

3. Customary Identification Signs

Standards

Such signs shall not exceed three square feet in area per sign.

4. Directional Signs For Sale or Rent of Residential Property

Standards

- (b) The signs shall be temporary signs on white background, unlit, and limited to two square feet per side for a single user. The sign message may be placed on each side of the sign. The signs shall not exceed four feet in height and shall not obstruct vision clearances.
- (c) In order to avoid the placement of a series of signs along several miles of roadway, no more than five signs shall be allowed per project, or per property when a single dwelling is for sale or rent. Signs shall be placed no farther than one mile from the project or property for which directions are given.
- (d) Each user is allowed only one sign per intersection.

5. Farm Signs

Signs advertising agricultural products grown or produced on the premises of a farm at least five acres in size.

Standards

- (a) The signs shall not exceed 16 square feet in area per side and eight feet in height.
- (b) The number of signs shall not exceed a ratio of one sign per 1000 feet of road frontage of farm property. If more than one sign is allowed, the signs shall be at least 500 feet apart. If the farm property fronts on more than one road, each frontage shall be considered separately.

6. Historic Markers

A sign indicating the date of construction, the name of the building, the principals involved in its construction, or other historical facts. Historic or memorial markers can be erected by a governmental agency or private, nonprofit historic preservation or education organization, pursuant to a plan or program for the erection of such signs or markers applied on a national, State, or county-wide basis, or to properties within a duly authorized local historic district.

Standards

- (b) Each such sign or marker shall be made of cast metal, cut masonry, painted wood, glass, other metal or other similar durable weatherproof material.
- (c) Building-mounted signs shall not exceed six square feet in area.
- (d) Freestanding signs shall not exceed 16 square feet in area.

7. Home Occupation Signs

Standards

Only one wall sign not exceeding three square feet in area shall be allowed.

8. Incidental Signs

Standards

Such signs shall not exceed three square feet of area per sign or four feet in height and shall not contain any logos.

9. Murals

An image, such as a painting or enlarged photograph, applied directly to a wall or ceiling.

Standards

- (a) Murals containing graphics, other than logos or registered trademarks, related to goods and services provided on site are allowed without a permit.
- (b) Commercial text, logos, or trademarks contained within the mural shall comply with the standards for wall signs within paragraph 11.6.1, Table of Signs Requiring Permits.
- (c) Mural graphics shall not be included in the sign area calculations when commercial text is included despite paragraph 11.2.2A.2.

10. Public Art Placards

Messages on public art that recognize the artist and/or sponsor and are clearly subordinate to the art.

Standards

Such signs shall not exceed four square feet in area, or five percent of the total square footage of the art, whichever is smaller. For three-dimensional art, the total square footage of the base shall be used to calculate percentage.

11. Public or Non-Profit Announcements

Standards

- (b) Such signs shall not exceed six square feet in area for residential uses in residential districts and 25 square feet in area for nonresidential uses in residential districts and shall be limited to one per event, per premise.
- (c) Within Design Districts, such signs shall not exceed 10 percent of the individual building facade area or 32 square feet, whichever is greater.
- (d) The sign may be erected up to two weeks prior to the event and shall be removed within seven days after the event.

12. Public Signs

13. Real Estate Signs on Nonresidential Property, Multi-Family Property, or Subdivision

Standards

- (a) Freestanding signs shall not exceed 32 square feet in area per sign and eight feet in height and shall be limited to one freestanding sign per street frontage.

14. Real Estate Signs on Residential Property (Other than Multi-Family Property or Subdivision)

Standards

- (a) Such signs shall not exceed six square feet in area and four feet in height for freestanding signs and shall be limited to one sign per street frontage and one wall sign per dwelling unit.

15. Traffic Control Signs On Private Property

Standards

- (a) The face shall meet FHWA Manual on Uniform Traffic Control Devices standards.

16. Vending Machines, Automatic Tellers, Gasoline Pumps

17. Window Signs

18. Yard Sale Signs

Standards

- (a) Yard sale signs shall not exceed four feet in height and six square feet in area per sign.
- (b) Limited to one sign per lot.
- (c) Such signs may be erected up to five days prior to the event and shall be removed within two days after the event.

PART 3

[Establish hierarchy and revise text in regards to signs requiring permits]

Sec. 11.6 Signs Requiring Permits

[Paragraphs, pictures and illustrations, and portions of the table within this section, but not listed, remain unchanged]

Paragraph 11.6.1 Table of Signs Requiring Permits

Upon issuance of a sign permit in accordance with Sec. 3.10, Sign Permit, the following signs shall be allowed subject to the following requirements.

A. Awning Signs

Standards

Awning signs shall be permitted for nonresidential uses and in all nonresidential zoning districts subject to the following requirements:

1. [Text remains unchanged]
2. [Text remains unchanged]
3. The sign shall not be closer than two feet, measured in horizontal distance, from the curb line of any street.
4. The sign shall not extend more than five feet into the right-of-way unless a license agreement pursuant to paragraph 11.5.1, General, has been issued.
5. Any fabric awning valance may not extend more than one foot below the rigid mount of the awning.
6. [Text remains unchanged]
7. [Text remains unchanged]
8. [Text remains unchanged]

B. Canopy Signs

Standards

Canopy signs shall be permitted on nonresidential uses subject to the following requirements:

1. [Text remains unchanged]
2. The vertical edge of the canopy sign shall be a maximum of two feet in height, except for fuel canopies, where the maximum vertical edge of the canopy may be 42 inches.
3. [Text remains unchanged]
4. [Text remains unchanged]

C. Freestanding Signs

There are two types of freestanding signs:

1. Monument Signs

[Text remains unchanged]

2. Pylon Signs

A freestanding sign permanently affixed to the ground by one or more supports.

3. Standards for freestanding signs are pursuant to paragraph 11.6.2, Standards for Freestanding Signs.

D. Marquee Signs

Standards

Marquee signs shall be allowed in all non-residential districts, including MU, UC, and DD Districts, subject to the following conditions:

1. [Text remains unchanged]
2. The marquee shall be no closer than two feet, measured in horizontal distance, from the curb line of any street.
3. [Text remains unchanged]
4. The message area shall not exceed eight feet in height.
5. [Text remains unchanged]
6. Only one marquee sign shall be allowed per establishment.

E. Projecting Signs

Standards

Projecting signs shall be allowed on all nonresidential uses, subject to the following conditions:

1. The sign shall not extend above the top of the wall to which it is attached, except that a sign 18 inches or less in width and perpendicular to such wall may extend up to a maximum of two feet beyond the top of the wall.
2. [Text remains unchanged]
3. The sign shall not extend into a required front yard more than six feet or into a public right-of-way more than 4.5 feet unless a license agreement pursuant to paragraph 11.5.1, General, has been issued.
4. [Text remains unchanged]
5. Only one sign shall be permitted per establishment, except that an establishment in a Design District with more than one street frontage may have one sign per street frontage.

F. Roof Signs

Standards

Roof signs shall be allowed subject to the following regulations:

1. Roof signs are allowed only in the MU District and Downtown Tier.
2. Roof signs shall be allowed by right on buildings of five stories or more.
3. Roof signs on buildings with less than five stories are allowed through the approval of a Design Special Use Permit, pursuant to Sec. 3.25, Design Special Use Permit.
4. The maximum sign area shall be 15% of the building facade area that is on the same building elevation as the sign. The amount of sign area devoted to roof signs shall be deducted from the allowable wall sign square footage.

G. Suspended Signs

Standards

Suspended signs shall be permitted in all zoning districts, subject to the following regulations:

1. The sign shall be no closer than two feet, measured in horizontal distance, from the curb line of any street.
2. [Text remains unchanged]
3. [Text remains unchanged]
4. [Text remains unchanged]

H. Temporary Signs

Any sign which is intended for temporary use and not permanently mounted. The sign shall relate to a special event or temporary situation, not a routine business activity.

Standards

Temporary signs shall be allowed in every district, subject to the following requirements:

1. The sign may be erected up to two weeks before the event and shall be removed within seven days after the event.
2. The sign area shall not exceed 32 square feet except in the Design Districts, where the sign area shall not exceed 32 square feet or 10% of the square footage of the building facade area on one street frontage, whichever is larger.
3. Only one sign shall be allowed per business per special event.
4. Each business site may be issued two sign permits for a temporary sign within a 12-month period. Each 12-month period shall begin with the issuance of the first permit and shall expire 12 months from that date.
5. Exception for Downtown Design District: Signs on vacant buildings that drape the building facades or cover the windows, and that display only decorative graphics or public art, shall be allowed with no maximum square footage, number, or duration. Such signs shall be removed prior to occupancy. Construction information, or sales or leasing information, must meet the standards of paragraphs 11.4.2, 11.4.13, and 11.4.14 as applicable.

I. Wall Signs

Any sign, other than a projecting sign, which is permanently attached to or painted on any wall of a building.

Standards - Nonresidential Districts

Wall signs shall be subject to the following requirements in nonresidential districts:

1. [Text remains unchanged]
2. [Text remains unchanged]
3. [Text remains unchanged]
4. [Text remains unchanged]
5. [Text remains unchanged]
6. [Text remains unchanged]
7. [Text remains unchanged]

Standards - Residential Districts

Wall signs in residential districts shall be subject to the following requirements:

Nonresidential uses permitted in residential districts and all multifamily developments shall be allowed one wall sign per building, provided the sign does not exceed 15% of the wall area; however, a minimum of 25 square feet of sign area shall be allowed.

Paragraph 11.6.2 Standards for Freestanding Signs

A. Design Districts, and Nonresidential Districts and Uses

Freestanding signs shall be permitted in Design Districts, nonresidential zoning districts, and for non-residential uses in residential zoning districts subject to the following requirements.

1. Height

c. Exemption

Except within Design Districts, the Development Review Board may approve a pylon sign up to 40 feet in height for restaurants, hotels, motels, or fuel sales establishments that are not located in the MTC Overlay (Sec. 4.9), when:

2. Number

- b.** Except within Design Districts, additional signs may be allowed in a development with an approved common signage plan, or as approved by the Development Review Board if no approved common signage plan exists, for a street frontage that exceeds 300 feet. If multiple signs are placed on a single street frontage, no individual sign shall exceed 80 square feet in area and there shall be a minimum of 150 feet between the signs.

3. Area

c. Sign Area in Design Districts

Freestanding signs shall not exceed 32 square feet in area.

5. Setback

- a.** If the sign height is six feet or less, or within a Design District, there shall be no minimum setback required from the property line.

6. Design Standards

- a.** Sign supports shall consist of at least 30% of the total sign width. In no case shall a single support consist of less than 15% of the total sign width.
- b.** Within Design Districts, freestanding signs shall incorporate the following design standards:
- (1) All freestanding signs shall have three-part design as follows:
 - (a) Monumental signs shall be composed of a decorative base, sign face, and cap.
 - (b) Pylon signs shall be composed of a decorative base, support, and sign face.
 - (2) Signs and sign support material shall be constructed of metal, painted or stained non-pressure-treated wood, masonry, fabric, glass, ceramics, or concrete.
 - (3) Fasteners used for securing the sign to the ground shall be obscured by covers.
 - (4) Proportion
 - (a) Monumental signs shall be proportionally wider than they are tall.
 - (b) Pylon signs shall be proportionally taller than they are wide.

7. Landscaping

Except within Design Districts, freestanding signs shall incorporate the following landscaping requirements.

8. Medical Center Signs

[Text remains unchanged]

9. Way-Finding Signs

[Text remains unchanged]

10. Off-Premise Nonresidential Entry Signs

[Text remains unchanged]

PART 4

[Establish new defined terms]

Sec. 16.3 Defined Terms

[Definitions within this section, but not listed, remain unchanged]

Commercial Speech: Any expression related solely to the economic interests of the speaker and its audience, or as otherwise defined by a court of competent jurisdiction.

Public Art: A work of art in any medium that has been planned and executed with the specific intention of being sited or staged in the physical public domain, usually outdoors and publicly accessible.

Sign Support or Bracing: The materials used to support and attach a sign to the ground, building, or other fixed location.

Changeable Copy: The characters, letters, or illustrations of a sign that change, either manually or electronically, without altering the sign.

PART 5

That the Unified Development Ordinance shall be renumbered as necessary to accommodate these changes and clarifications.

PART 6

That this amendment of the Unified Development Ordinance shall become effective upon adoption.